

**Meeting of the Central Valley Flood Protection Board
October 17, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider Application No. 18413 to install chain link fence and gate at upstream and downstream boundary of property across the landside slope, crown and the waterside slope of the left (east) bank levee of the Sacramento River in Sacramento County.

Applicant

Donald Murphy

Location

The project is located in Sacramento at 7260 Pocket Road. (Sacramento River, Sacramento County, see Attachment A).

Description

To install 6-foot high chain link fence and 16-foot wide by 6-foot high chain link gate at the upstream and downstream boundary of the property across the landside slope, crown and the waterside slope of the left (east) bank levee of the Sacramento River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers has not endorsed this project.
- The Sacramento Maintenance Yard does not endorse this application.

Discussion

Mr. Murphy's purpose for installing the boundary cross fences is to restrict access to his private property. Mr. Murphy is concerned about general personal safety as a result of accessibility to his property. The Central Valley Flood Protection Board has a levee easement at the site of the proposed fences. The easement allows the Board to perform essential levee inspections and levee maintenance.

Title 23
Division 1
Chapter 1
Article 3
Paragraph 15 Bases for Denial of Applications
Items:

- 4) Impair the inspection of floodways or project works;
- 5) Interfere with the maintenance of floodways or project works;
- 6) Interfere with the ability to engage in flood fighting, patrolling, or other flood emergency activities;

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 3 Categorical Exemption (CEQA Guidelines Section 15303(e)) covering fences added to existing structures.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has negative effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

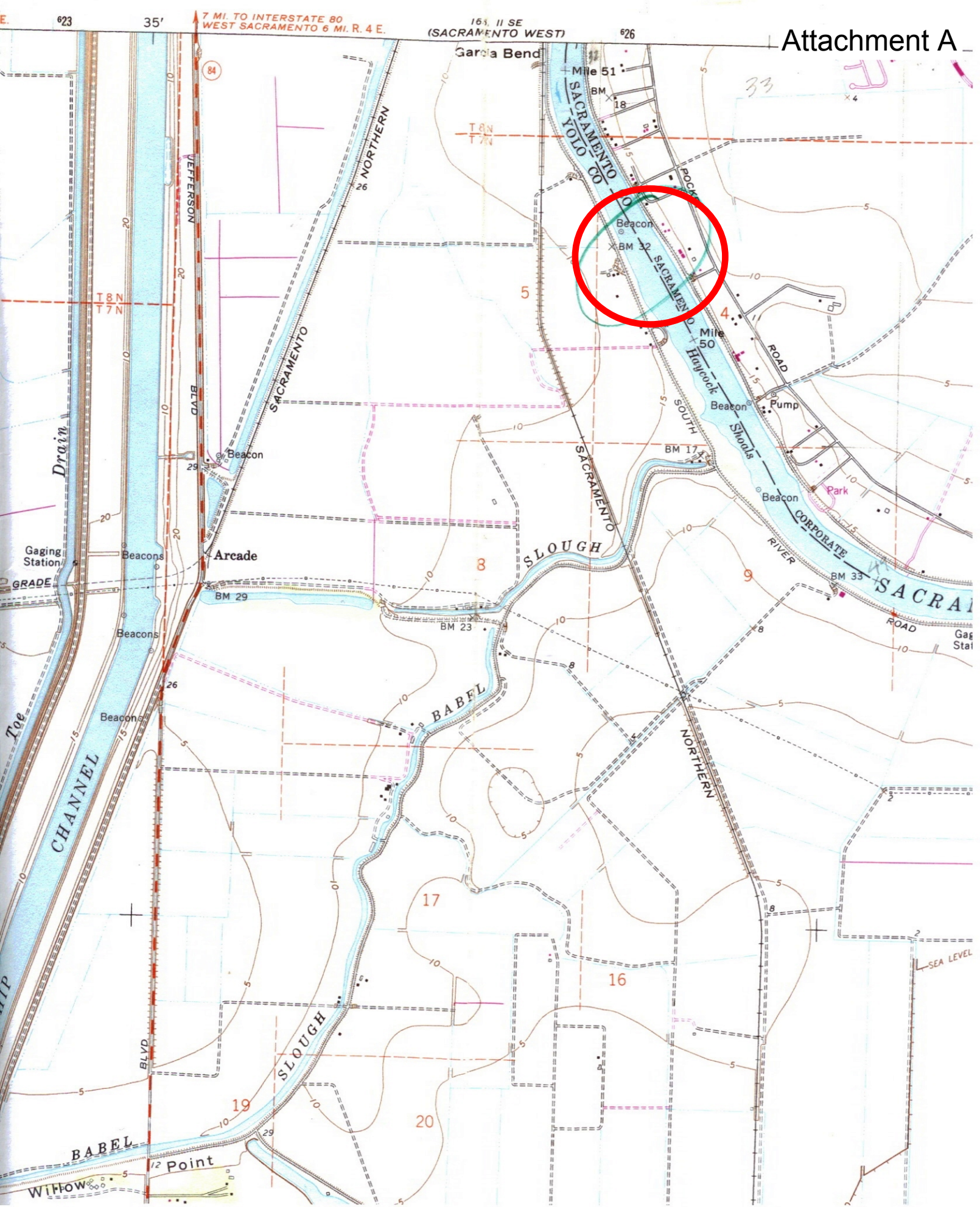
The proposed project will add to existing encroachments in this reach of State Maintenance Area 9 that will interfere with general inspections, maintenance of and any flood fight along this reach of levee

Staff Recommendation

Staff recommends that the Board deny the application for encroachment permit.

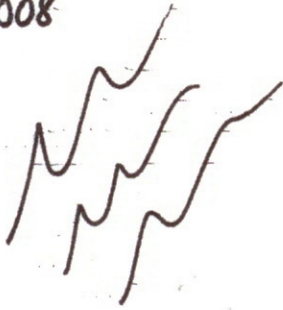
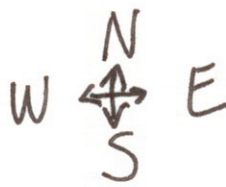
List of Attachments

- A. Location Map
- B. Project Diagram



Donald A. Murphy
May 6, 2008

8 of 8
Attachment B



high water mark
→

Gate

chain link fence

Level Top

Gate

chain link fence

